

in accordance with the Commission's Rules.

David P. Boergers,
Acting Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. SA98-44-000]

Molz Oil Company; Notice of Petition for Adjustment and Request for Extension of Time

March 19, 1998.

Take notice that on March 9, 1998, Molz Oil Company (Molz) filed a petition, pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), for an adjustment of the Commission's refund procedures [15 U.S.C. 3142(c)(1982)] with respect to Molz's Kansas ad valorem tax refund liability. Molz's petition is on file with the Commission and open to public inspection.

The Commission's September 10, 1997, order on remand from the D.C. Circuit Court of Appeals,¹ in Docket No. RP97-369-000, *et al.*,² directed first sellers to make Kansas ad valorem tax refunds, with interest, for the period from 1983 to 1988. The Commission clarified the refund procedures in its Order Clarifying Procedures [82 FERC ¶ 61,059 (1988)], stating therein that producers [first sellers] could request additional time to establish the uncollectability of royalty refunds, and that first sellers may file requests for NGPA section 502(c) adjustment relief from the refund requirement and the timing and procedures for implementing the refunds, based on their individual circumstances.

Molz requests, on behalf of first sellers for whom it operated (First Sellers), that the Commission: (1) Extend the time by 90 days from March 9, 1998, in which to obtain the necessary documents and information to determine if the amount of refund set forth in the Statement of Refunds Due [SRD] received from Panhandle Eastern Pipe Line Company [Docket No. RP98-40-000] is correct and to reach an agreement on the amount before submitting the dispute to the Commission; and (2) grant an

adjustment to its procedures to allow First Sellers to place into an escrow account the disputed amount of the refund, and, after the resolution of the dispute, retain in the account (i) principal and interest on amounts attributable to production prior to October 4, 1983, and (ii) interest on all reimbursed principal amounts determined to be refundable as being in excess of maximum lawful prices (excluding interest retained under (i) above). Molz also requests a determination that it is liable solely for its proportionate share of the tax refunds.

Any person desiring to be heard or to make any protest with reference to said petition should on or before 15 days after the date of publication in the **Federal Register** of this notice, file with the Federal Energy Regulatory Commission, 888 First Street, N.W., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211, 385.1105, and 385.1106). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

David P. Boergers,
Acting Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. SA98-45-000]

Molz Oil Company; Notice of Petition for Adjustment and Request for Extension of Time

March 19, 1998.

Take notice that on March 9, 1998, Molz Oil Company (Molz) and the working interest owners (First Sellers) for whom it operated,¹ filed a petition for adjustment and a request for extension of time under section 502(c) of the Natural Gas Policy Act of 1978

(NGPA), requesting an adjustment to its obligation to make Kansas ad valorem tax reforms to Williams Natural Gas Company (WNG), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

It is stated that Molz's petition is filed in response to the Commission's September 10, 1997, order in Docket Nos. RP97-369-000, GP97-3-000, GP97-5-000² on remand from the D.C. Circuit Court of Appeals,³ which directed first sellers under the NGPA to make Kansas ad valorem tax refunds, with interest, for the period from 1983 to 1988.

Molz requests that the Commission grant an adjustment to its procedures to allow First Sellers to place into an escrow account the disputed amount of the refund set forth in the Statement of Refunds Due (SRD) from WNG,⁴ and, after resolution of the dispute, to retain in the account (a) principal and interest on amounts attributable to production prior to October 4, 1983, and (b) interest on all reimbursed principal amount determined to be refundable as being in excess of maximum lawful prices (excluding interest retained under (a) above). It is stated that the SRD received from WNG was \$93,447.06, including interest accrued through December 31, 1997.

Molz also requests an extension of time to permit an additional 90 days beginning March 9, 1998, in which to obtain the necessary documents and information to verify the correct amount of its actual refund liability and to reach an agreement on the amount before submitting the dispute to the Commission.

Any person desiring to be heard or to make any protest with reference to said petition should on or before 15 days after the date of publication in the **Federal Register** of this notice, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211, 385.1105, and 385.1106). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties

¹ *Public Service Company of Colorado v. FERC*, 91 F.3d 1478 (D.C. Cir. 1996), *cert. denied*, 65 U.S.L.W. 3751 and 3754 (May 12, 1997) (Nos. 96-954 and 96-1230).

² See 80 FERC ¶ 61,264 (1997); *order denying reh'g*, 82 FERC ¶ 61,058 (1998).

¹ First Sellers are Donald Albers, Darry Brown, Rick Caruthers, Judy Courson, Donald E. Evans, Helen Evans, K.B. Evans, Martha Evans, Beverly Molz, Jim Molz, Ben Rathgeber, Bob and Lometa Rathgeber, Lamoine Shrock, R.K. Sweetman and Westmore Drilling Co.

² See 80 FERC ¶ 61,264 (1997); *order denying reh'g* issued January 28, 1998, 82 FERC ¶ 61,058 (1998).

³ *Public Service Company of Colorado v. FERC*, 91 F.3d 1478 (D.C. Cir. 1996), *cert. denied*, 65 U.S.L.W. 3751 and 3754 (May 12, 1997) (Nos. 96-954 and 96-1230).

⁴ See. Docket No. RP98-52-000.